

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ATLANTIC MUTUAL INSURANCE CO.,

Plaintiff,

v.

AMERICAN ECONOMY INSURANCE CO.;
NATIONAL UNION FIRE INSURANCE CO.
OF PITTSBURGH, PA.; and AMAZON.COM,
INC.,

Defendants.

Case No. C06-5272FDB


ORDER REMANDING CAUSE OF
ACTION TO PIERCE COUNTY
SUPERIOR COURT

Defendant National Union timely removed this action for declaratory judgment from Pierce County Superior Court. The Court having reviewed the Notice of Removal and the associated documents concludes that this matter must be remanded. National Union asserts that this court has diversity jurisdiction over this case, there being diversity of citizenship between the Plaintiff and Defendants. There is, however, a major limitation on removal jurisdiction in diversity cases: even if there is complete diversity, removal is allowed only if “none of the parties in interest properly joined and served as defendants is a citizen of the State in which such action is brought.” 28 U.S.C. § 1441(b); *Spencer v. United States Dist. Ct. For Northern Dist. Of Calif.*, 393 F.3d 867 870 (9th Cir. 2004). A corporation is a citizen both of the state in which it was incorporated and of the state

1 where it has its principal place of business. 28 U.S.C. § 1332(c). Actions brought in the courts of
2 either state cannot be removed. *See Co-Efficient Energy Systems v. CSL Industries, Inc.*, 812 F.2d
3 556, 559 (9th Cir. 1987). Thus, because Defendant American Economy Insurance and Amazon.com
4 have their principal places of business in Washington, although they are incorporated in Indiana and
5 Delaware, respectively, the no-local-defendant limitation applies precluding removal and mandates
6 that this cause of action be remanded to the Pierce County Superior Court.

7 NOW, THEREFORE, IT IS ORDERED: This cause of action is REMANDED to Pierce
8 County Superior Court when it was removed.

9 DATED this 1st day of June, 2006.

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12 FRANKLIN D. BURGESS
13 UNITED STATES DISTRICT JUDGE
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